

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: George P. Teitelbaum	§ Docket No.: PC0001110.14
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Appl. No. 10/688,135	§ Group Art Unit: 3733
	§
Filed: 10/17/2003	§ Examiner: CUMBERLEDGE, JERRY L.
	§
Title: PERCUTANEOUS VERTEBRAL FUSION	§ Confirmation No.: 2028
SYSTEM	§
	§

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT TRANSMITTAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 CFR §1.56, and in accordance with the practice under 37 CFR §1.97 and §1.98, the Examiner's attention is directed to the documents listed on the attached Form PTO-1449. No inference should be made that the cited references are in fact material, are in fact prior art, or that no better art exists. The cited patents are listed in numerical order and are not in any order based on their pertinence.

Applicants believe that any document, publication or other information for which a date is not given on the attached Form PTO-1449 may qualify as "prior" to this application and should be treated accordingly. Notwithstanding the foregoing, Applicant(s) reserve(s) the right to contest the prior art status of any document, publication or information, should issue arise.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 CFR §1.97(g)), an admission that the information cited is, or is considered to be, material to patentability (37 CFR §1.97(h)), or that no other material information exists.

The identification of any information herein is not intended to be, and should not be understood as being, an admission that such information, in fact, constitutes "prior art" within the meaning of applicable law. The "prior art" status of any information is a matter to be resolved during prosecution.

Pursuant to 37 CFR § 1.98(a)(2)(i), copies of the U.S. patent documents listed on the enclosed Form PTO-1449 are not attached.

<input type="checkbox"/>	<i>IDS is being filed with application or before mailing of first Office Action.</i>
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This Information Disclosure Statement is being filed within three months of the United States filing date or before the mailing date of a first Office Action on the merits. No certification or fee is required (37 CFR §1.97(b)).

<input type="checkbox"/>	<i>IDS is being filed with or within three months of the filing of an RCE.</i>
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This Information Disclosure Statement is being filed within three months of the United States filing date of a Request for Continued Examination under § 1.114(b) or before the mailing date of a first Office Action on the merits. No certification or fee is required (37 CFR §1.97(b)).

<input type="checkbox"/>	<i>IDS is being filed after first Office Action but <u>before</u> mailing of a Final Office Action or Notice of Allowance (ex: Receipt of foreign search report)</i>
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This Information Disclosure Statement is being filed more than three months after the United States filing date and after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Action under §1.113 or Notice of Allowance under §1.311 (37 CFR §1.97(c)).

It is hereby certified that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing date hereof. A copy of that communication is submitted herewith (37 CFR §1.97 (e)(1)).

It is hereby certified that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the knowledge of the undersigned after making a reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing date hereof (37 CFR §1.97(e)(2)).

Accompanying this transmittal is the \$180.00 fee set forth in 37 CFR §1.17(p) for submission of an Information Disclosure Statement under §1.97(c).

<input type="checkbox"/>	<i>IDS is being filed after receipt of PCT search report.</i>
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In compliance with the duty of disclosure under 37 CFR §1.56, and in accordance with the practice under 37 C.F.R. §1.97 and §1.98, the Examiner's attention is directed to the documents listed on the attached Form PTO-1449. Copies of the listed information are also enclosed. The undersigned first became aware of the cited patents by their inclusion in an International Search Report issued by the ISA/US or EP on _____, the PCT counterpart of the present application. A copy of the search report is enclosed.

<input type="checkbox"/>	<i>IDS is being filed after receipt of non-PCT foreign counterpart search report.</i>
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In compliance with the duty of disclosure under 37 CFR §1.56, and in accordance with the practice under 37 C.F.R. §1.97 and §1.98, the Examiner's attention is directed to the documents listed on the attached Form PTO-1449. Copies of the listed information are also enclosed. The undersigned first became aware of the cited patents by their inclusion in an International Search Report issued by the _____ Patent Office on _____, the foreign counterpart of the present application. A copy of the search report is enclosed.

<input checked="" type="checkbox"/>	<i>IDS with Fee required (e.g. IDS filed after mailing of a Final Office Action or Notice of Allowance, but before payment of issue fee.</i>
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This Information Disclosure Statement is being filed after the mailing date of either a Final Office Action under §1.113 or a Notice of Allowance under §1.311, whichever occurs first.

It is hereby certified that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing date thereof. A copy of that communication is submitted herewith (37 CFR §1.97 (e)(1)).

It is hereby certified that no item of information contained in this Information Disclosure Statement was either cited in a communication from a foreign Patent Office in a counterpart foreign application and to the knowledge of the undersigned after making a reasonable inquiry, was known to any individual having a duty to disclose under 37 CFR §1.56(c) more than three months prior to the filing date hereof (37 CFR §1.97(e)(2)).

Accompanying this transmittal is the \$180.00 fee set forth in 37 CFR §1.17(p) for submission of an Information Disclosure Statement under §1.97(c).

<input type="checkbox"/>	<i>IDS is being filed with divisional or continuation application.</i>
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In compliance with the duty of disclosure under 37 CFR §1.56, and in accordance with the practice under 37 C.F.R. §1.97 and §1.98, the Examiner's attention is directed to the documents listed on the attached Form PTO-1449.

Pursuant to 37 CFR §1.98(d), no copies of the cited references are enclosed since the references were provided in the parent application, U.S. Serial No. XX/XXX,XXX.

It is requested that the Examiner fully consider the cited references and that they be cited on the front of any patent issuing from this application. An early action on the merits is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No.132546.

It is respectfully requested that the above information be considered by the Examiner and that a copy of the attached Form PTO-1449 be returned indicating that such information has been considered.

Respectfully submitted,



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